

REMARKS

Favorable reconsideration of this application is requested in view of the foregoing amendments and the following remarks. Claims 12-16 are pending in the application. Claims 1-11 and 17-41 are canceled without prejudice or disclaimer.

At page 7 of the Action, the Examiner indicates that claims 12-16 would be allowable if rewritten to include all the limitations of the base claim and any intervening claims. This indication of allowable subject matter is very much appreciated. Claims 12-16 are rewritten in independent form and are, therefore, not narrowed.

Claims 1-3, 6-11, 16, 17 and 20-29 were rejected under 35 USC 103 as obvious over Lesiie in view of Erreygers. Claims 1-3, 6-11, 17 and 20-29 are cancelled without prejudice or disclaimer. Since claim 16 was indicated in the Action as allowable, it may be that recitation of claim 16 in this rejection was a typo. Be that as it may, claim 16 requires, in addition to all of the other limitations of previous base claims 1 and 11, that controlling gain of the first variable gain amplifier includes forcing a link termination. Referring to page 5 of the Action, it is not inherent to include forcing link termination as part of the claimed controlling gain of the first variable gain amplifier because the claimed invention is not limited to mobile and cell sites. The claimed invention is directed to subscriber loops and under some circumstances (e.g., short range) a subscriber loop link can be maintained even with zero gain in signal strength.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 28, 29, 35, 36 and 38-41 were rejected under 35 USC 103 as obvious over Lesiie in view of Erreygers and further in view of Harris. Claims 28, 29, 35, 36 and 38-41 are cancelled without prejudice or disclaimer.

Accordingly, withdrawal of this rejection is respectfully requested.

Other than as explicitly set forth above, this reply does not include acquiescence to statements, assertions, assumptions, conclusions, or combination thereof in the Office Action. In

view of the above, all the claims are considered patentable and allowance of all the claims is respectfully requested. The Examiner is invited to telephone the undersigned (at direct line 512-394-0118) for prompt action in the event any issues remain that prevent the allowance of any pending claims.

In accordance with 37 CFR 1.136(a) pertaining to patent application processing fees, Applicant requests an extension of time from November 8, 2005 to February 8, 2006 in which to respond to the Office Action dated August 8, 2005. A notification of extension of time is filed herewith. A request for continuing examination is also filed herewith.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3204 of John Bruckner PC.

Respectfully submitted,


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